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Before the
Federal Communications Commission
Washington, D.C. 20554

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C1-11

In the Matter of)

Retention by Broadcasters of Program Recordings)

MB Docket No. 04-232

ORDER**Adopted: July 21, 2004****Released: July 22, 2004****Comment Date: August 27, 2004****Reply Comment Date: September 27, 2004**

By the Deputy Chief, Media Bureau:

1. By a Notice of Proposed Rulemaking ("NPRM"), FCC 04-145, released July 7, 2004, the Commission initiated a proceeding seeking comment regarding the retention of program recordings by broadcasters as a means to enhance the enforcement of the statutory prohibition on indecent and obscene programming.¹ The NPRM called for comments by July 30, 2004, and reply comments by August 30, 2004.

2. The Arizona Broadcasters Association and the Kentucky Broadcasters Association (filing jointly as the "Associations") have requested a 45 day extension of both dates. The Associations state that they need added time to compile cost estimates pertaining to the Commission's proposals as well as consider other potential implications associated with the rulemaking.²

3. We partially grant the Associations' request. Due to a delay in publishing the NPRM, the length of the comment period is now less than was originally anticipated. Accordingly, an extension of the comment period is warranted. Rather than granting the full extension asked for, however, we believe an additional four weeks for both comments and reply comments to be filed should provide adequate time for the preparation of pleadings. This extension will result in a more comprehensive factual record, especially from small broadcasters who have a significant stake in this proceeding.

¹ *Retention by Broadcasters of Program Recordings*, MB Docket No. 04-232, FCC 04-145 (rel. Jul. 7, 2004).

² See Motion for Extension of Time filed by Associations, dated July 16, 2004. Several broadcast groups, including Beasley, Citadel, Entercom, and Galaxy, filed a statement in support of the Associations' Motion. See *Broadcast Licensee Statement in Support of Motion for Extension of Comment and Reply Comment Dates*, filed July 20, 2004.

4. Accordingly, **IT IS ORDERED** that, pursuant to Sections 4(i), 4(j) and 5(c) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j) and 155(c), and Sections 0.61, 0.283, and 1.46 of the Commission's rules, 47 C.F.R. §§ 0.61, 0.283, and 1.46, the Motion for Extension of Time filed by the Arizona and Kentucky Broadcaster Associations is **GRANTED, IN PART**. The date for filing comments in MB Docket No. 04-232 is extended until August 27, 2004 and the date for reply comments is extended until September 27, 2004.

FEDERAL COMMUNICATIONS COMMISSION

William H. Johnson
Deputy Chief, Media Bureau